

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.3443 of 2019(O&M)
Date of Decision: 23.05.2019**

Jeet Singh

.....Petitioner

Versus

**The Punjab State Power Corporation Ltd. and others
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rajbir Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner remained unsuccessful in satisfying the trial Court for leading additional evidence. Prayer was dismissed vide order dated 13.05.2019.

[2]. Plaintiff/petitioner sought to lead additional evidence on the premise that while rummaging the old record, the plaintiff came across the record of PSPCL regarding GPF for the year 1994-95, 1998-99, 1999-2000 of GPF A/C No.J06760 and it was found that the date of birth of the petitioner was recorded as

30.07.1962. At the time of entry into service book, the date of birth of the petitioner was recorded as 30.12.1960. Petitioner claimed in the suit that his date of birth was 30.12.1962. Petitioner has already retired on 31.12.2018. The case has already reached the stage of rebuttal and arguments. The issues were framed on 26.04.2018. The evidence of the plaintiff was concluded on 23.10.2018. The evidence of the defendant started w.e.f. 15.11.2018 and the same was concluded on 20.12.2018. Even prayer for grant of temporary injunction in favour of the plaintiff was dismissed. The case was adjourned to 25.03.2019 for rebuttal and arguments. At this stage, the application was filed.

[3]. It could not be demonstrated as to how the anomaly in respect of date of birth viz-a-viz GPF record is relevant for decision of the suit. Petitioner himself claimed his date of birth as 30.12.1962 which is quite verify with the date of birth as recorded in GPF record. Both the parties have already concluded their evidence.

[4]. The controversy viz-a-viz the correction in date of birth by means of a civil suit cannot be given unlimited limitation in view of ratio laid down in **Union of India Vs. Harnam Singh, 1993(3) SCT 120(SC), Cement Corporation of India Ltd. Vs. Raghubir Singh and another, 2002(9) Supreme Court Cases**

398 and **Hindustan Lever Limited Vs. S.M. Jadhav and another, 2001(2) SCT 369.**

[5]. Evidently, at the time of making entry in Government service, the parents of the petitioner must have relied upon some document to show that the date of birth of the petitioner was 30.07.1960. Petitioner himself has gained advantage related to the age stipulation in the employment. The date cannot be changed at a later stage to benefit the plaintiff after assignment is over. Even the school cannot issue a certificate of date of birth as the same cannot be held to be a typographical error. The entry in birth certificate has to prevail. Petitioner has taken benefit of date of birth while securing job and after serving for a period till superannuation.

[6]. Petitioner seeks to question the date of birth on the basis of GPF record which in my considered opinion has no relevancy with the issue in question for which suit has been filed. Reference can be made to **CWP No.15315 of 2014** titled **Ambika Kaul Vs. Central Board of Secondary Education and others** decided on 04.08.2014.

[7]. For the reasons recorded hereinabove, I find no justification to interfere in the present revision petition. This revision petition is accordingly dismissed.

[8]. Nothing expressed hereinabove would be construed to

be an expression of opinion on merits of the case. Trial Court shall decide the case purely on the merits of the case.

23.05.2019
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**